

**Appl. No.: 09/695,184
Amdt. dated July 2, 2004
Reply to Office action of April 21, 2004**

REMARKS/ARGUMENTS

Applicants received the Office action dated April 21, 2004, in which the Examiner: (1) rejected claims 1 and 11 under 35 U.S.C § 101; and (2) rejected claims 1, 3-11 and 13-20 as obvious in view of U.S. Patent No. 6,484,128 ("Sekiya") and U.S. Patent No. 6,202,207 ("Donohue"). In this Response, Applicants amend claims 1, 8-11 and 13-20. Also, Applicants add claims 21-29. Based on the amendments and arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. § 101 REJECTIONS

Claim 1 was amended to require that "a computer" perform the claimed method. Claim 11 was amended, in part, to replace the phrase "apparatus" with "a storage medium that stores computer readable instructions." Applicants submit that claims 1 and 11 describe a "new and useful process, machine, manufacture, or composition of matter" as required under 35 U.S.C. § 101.

II. § 103 REJECTIONS

Amended claim 1, in part, requires "providing information that represents the proposed intervention to a prediction program implemented by a computer, wherein the information comprises a component identification that represents a component of the computer system to the prediction program and at least one of a set of operational commands that represent operations of the computer system to the prediction program." None of the references cited by the Examiner teaches or suggests this limitation.

Sekiya appears to teach examining the compatibility of a hardware module after the hardware module has been placed into a target system (see Abstract and col. 4, lines 65-67). However, Sekiya does not teach or suggest "a proposed intervention" as required in claim 1 because the intervention (placing the hardware module into the target system) has already occurred when the compatibility is examined and is therefore, not a "proposed intervention."

Similarly, Donohue does not teach or suggest "a proposed intervention" as required in claim 1. Rather, Donohue appears to teach that the update component functions "in response to an initiation of an update" (col. 4, lines 11-19). Therefore, Donohue does not teach or suggest "a proposed intervention" as

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required in claim 1 because the intervention (updating the software) has already been initiated.

Further, neither Sekiya nor Donohue appears to teach or suggest "predict[ing] a health of the computer system" as required in claim 1. As described previously, Sekiya appears to be directed to examining compatibility of a hardware module after the hardware module has been placed in a target system. Meanwhile, the Donohue system is described as being able to determine "whether it is possible to migrate from a current software product to the available new versions and whether it is possible to apply patches to the current version under the currently agreed license terms and conditions" (see col. 10, line 67 – col. 11, line 4). In contrast, claim 1 requires that "the computer predicts a health of the computer system" and not simply determine whether a hardware module is compatible or whether an update is possible. None of the references cited by the Examiner, nor combination of the references, teaches or suggests the above limitations. For at least these reasons, Applicants submit that claim 1 and all claims that depend from claim 1 are allowable.

Amended claim 11, in part, requires "interpreting a representation of the proposed intervention, wherein the representation comprises...one of a set of operational commands that represent a proposed installation, a proposed removal, and a proposed reconfiguration of the component associated with the component identification." For the reasons described previously, with respect to claim 1, none of the references cited by the Examiner, nor combination of the references, teaches or suggests "a proposed intervention" as required in claim 11.

Further, none of the references cited by the Examiner, nor combination of the references, teaches or suggests "operational commands that represent a proposed installation, a proposed removal, and a proposed reconfiguration of the component associated with the component identification" as required in claim 11. For at least these reasons, Applicants submit that claim 11 and all claims that depend from claim 11 are allowable.

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III. NEW CLAIMS

Claim 23, in part, requires “[a] system health predictor application [that] is further configured to calculate a numeric value that represents the system's health if the proposed intervention were to be carried out.” For the reasons described previously, with respect to claim 1, none of the references cited by the Examiner, nor combination of the references, teaches or suggests “a proposed intervention” as required in claim 23. Further, none of the references cited by the Examiner, nor combination of the references, teaches or suggests “a numeric value that represents the system's health if the proposed intervention were to be carried out” as required in claim 23. For at least these reasons, Applicants submit that claim 23 and all claims that depend from claim 23 are allowable.

IV. CONCLUSIONS

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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